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Attorneys for Plaintiff
CHARLES MAIER

THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re:

PG&E CORPORATION,

- and -

PACIFIC GAS AND ELECTRIC
COMPANY,

Debtors.

Federal I.D. No. 94-0742640
Federal I.D. No. 94-3234914

Bankruptcy Case
No. 19-30088 (DM)

Chapter 11

Superior Court Case
No.: 18CV01718

**NOTICE OF MOTION AND MOTION
FOR RELIEF FROM THE AUTOMATIC
STAY UNDER 11 U.S.C. § 362**

HEARING DATE

DATE: MARCH 7, 2023

TIME: 10:00 AM

PLACE: 235 Pine Street, 22nd Floor
San Francisco, CA

TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:

Notice is hereby given that the Charles Maier's Motion for Relief from the Automatic Stay to allow the pending action for private nuisance, injunction, and declaratory relief against the Debtor, Pacific Gas & Electric Company, to proceed in the Santa Cruz Superior Court instead of this Court will be heard by Judge Dennis Montali on March 7, 2023, at 10:00 A.M. in the Bankruptcy Court located at 235 Pine Street, 22nd Floor, San Francisco, California.

1 Charles Maier in the above-captioned Chapter 11 case hereby move the Court to
2 modify the automatic stay under 11 U.S.C. § 362(d) to allow the pending claims filed
3 against the Debtor, Pacific Gas & Electric Company to proceed in the Santa Cruz
4 Superior Court for cause.

5 Charles Maier believes that the relief from the automatic stay is warranted under
6 11 U.S.C. § 362(d)(1) because the interests of judicial economy, comity, and efficiency
7 require the claims to be liquidated in the fora in which they were pending on the date
8 that Debtor commenced its Chapter 11 case.

9 This Motion is also based upon the following grounds:

10 1. Neither the District Court nor the Bankruptcy Court should exercise
11 jurisdiction over Charles Maier's claim for private nuisance, injunction, and declaratory
12 relief since the claim is capable of being timely adjudicated in the Santa Cruz Superior
13 Court;

14 2. Judicial economy will be better served by litigating the claims in the Santa
15 Cruz Superior Court because the case deals exclusively with state law issues;

16 3. Relief from the stay would resolve Plaintiff Maier's dispute with Defendant
17 PG&E and the resolution would not interfere with the bankruptcy case and would not
18 adversely impact other creditors, as the case seeks a non-monetary judgment; and

19 4. Lifting the stay to this claim would relieve the bankruptcy court of an
20 additional creditor proceeding.

21 This Motion is further based upon the attached Memorandum of Points and
22 Authorities, the accompanying Declaration of Aaron J. Mohamed and exhibits attached
23 thereto, the Request for Judicial Notice, the papers and pleadings on file herein, and
24 upon any further oral and documentary evidence that may be presented at the hearing
25 of this Motion.

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1 WHEREFORE, Charles Maier requests that the Court enter as order as follows:

2 1. Modifying the automatic stay to allow the proceedings pending before the
3 Santa Cruz Superior Court on behalf of Charles Maier to proceed to judgment;

4 2. For such other and further relief as is just and proper.

5 Local Bankruptcy Rule 4001-1 provides that written response to this motion may,
6 but need not be filed. However, Debtor and/or Debtor's counsel must appear at the
7 preliminary hearing at the time and date set forth above if Debtor wishes to oppose the
8 granting of the relief set forth in the motion.

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11 Dated: February 14, 2023

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BREERETON, MOHAMED, & TERRAZAS
By: Emily Humy, Esq.
Attorney for Plaintiff Charles Maier

1 **PROOF OF SERVICE BY U.S. MAIL, AND ELECTRONIC MAIL**

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3 I, the undersigned, declare:

4 I am now and at all times herein mentioned have been over the age of eighteen
5 years, a resident of and employed in the County of Santa Cruz, California, and not a
6 party of the within entitled action or cause. My business address is **BRERETON,**
7 **MOHAMED, & TERRAZAS, LLP, 1362 Pacific Avenue, Santa Cruz, California**
8 **95060.**

9 On February 14, 2023, I served a true copy of the foregoing:

10 **RELIEF FROM STAY COVER SHEET**

11 **NOTICE OF MOTION AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY**
12 **UNDER 11 U.S.C. SEC. 362.**

13 **MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR**
14 **RELIEF FROM THE AUTOMATIC STAY.**

15 **DECLARATION OF AARON J. MOHAMED IN SUPPORT OF PLAINTIFF'S MOTION**
16 **FOR RELIEF FROM THE AUTOMATIC STAY.**

17 by placing said copy(ies) in the United States mail with postage prepaid and addressed,
18 and by sending copies via electronic mail to the following email address:

19 Gough & Hancock LLP
20 Gayle Gough, Esq.
21 50 California St Suite 1500
22 San Francisco, CA 94111
23 gayle.gough@ghcounsel.com

24 X (By U.S. Mail) I am readily familiar with this office's business practice for
25 collection and processing of correspondence for mailing with the United States
26 Postal Service and that this document with postage fully prepaid will be deposited
27 with the United States Postal Service this date in the ordinary course of
28 business.

29 X (By electronic Mail) By personally transmitting a true copy thereof via electronic
30 mail.

31 I declare under penalty of perjury under the laws of the State of California that
32 the foregoing is true and correct.

33 Dated: February 14, 2023

34 
35 Emily Humy